

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16338 of the Church of Jesus Christ, pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to establish a child development center for 25 children in an existing structure in an R-1-B District at premises 3456 Pennsylvania Avenue, S.E. (Square 5528, Lot 814).

HEARING DATE: June 3, 1998

DECISION DATE: June 3, 1998 (Bench Decision)

CORRECTED SUMMARY ORDER*

*This order replaces the Board's order for this application dated July 2, 1998, and corrects the address of the premises from 3556 Pennsylvania Avenue, S.E. to 3456 Pennsylvania Avenue, S.E.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 7B and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 7B. ANC 7B, which is automatically a party to this application, submitted a written statement in opposition to the application. The Board was unable to give "great weight" to the ANC's written report because the correspondence did not contain the information required by Section 3307 of the Zoning Regulations.

As directed by 11 DCMR 3324.2, the Board required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR Section 205. Advisory Neighborhood Commission 7B, the Penn-Branch Citizens/Civic Association, and several abutting property owners submitted written statements and presented oral arguments in opposition to the application. During the hearing process, the Board determined that the residents were not opposed to the establishment of a summer program in the annex of the church to house 25 children. Rather, the testimony of the residents indicated that they wanted a measure of assurance that the activities associated with the summer program would not adversely affect abutting properties and the residential neighborhood. After a thorough discussion of the issues, the Board was satisfied that all matters were resolved during the hearing process. In addition, the conditions contained herein establish parameters for operation of the summer program.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, that the requested relief can be granted as being

in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS**:


1. Approval shall be for a period of three (3) years, expiring concurrently with BZA Application No. 16337.
2. The number of students shall not exceed twenty-five (25). The number of employees shall not exceed three (3).
3. The ages of the children shall be 6 through 12 years old.
4. The hours, days and months of operation shall be 7:00 a.m. to 6:00 p.m., Monday through Friday, June through August.
5. The applicant shall meet with the community twice during the camp period to discuss any potential concerns.
6. If the parking lot is used for recreation, it should be blocked off in such a way that it protects the children when they are at play.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-0 (Maurice Foushee, Betty King and Sheila Cross Reid to grant.)

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


SHERI M. PRUITT-WILLIAMS
Interim Director

DATE: JUL 28 1998

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

Ord16338/BAB

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16338

As Interim Director of the Office of Zoning, I hereby certify and attest that on JUL 28 1998 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each person who appeared and participated in the public hearing concerning this matter, and who is listed below:

Church of Jesus Christ, Inc.
c/o Houston Brown, Jr.
3456 Pennsylvania Avenue, S.E.
Washington, D.C. 20020

Pastor John Leslie, Jr.
6311 13th Street, N.W.
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Roscoe Grant, Jr. Chairperson
Advisory Neighborhood Commission 7B
3200 S Street, S.E.
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Eva Speight
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3695 Highwood Drive, S.E.
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Howard L. Greene, Sr.
Penn-Branch Citizens/Civic Association
3737 S Street, S.E.
Washington, D.C. 20020

ATTESTED BY: *Sheri M. Pruitt-Williams*
SHERI M. PRUITT-WILLIAMS
Interim Director

DATE: JUL 28 1998